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WELSH STATUTORY INSTRUMENTS

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**2024 No. 388**

**The Special School Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024**

**PART 9**

Requirements on service providers as to premises, facilities and equipment

**Overarching requirement**

**36.** The service provider must ensure that the premises, facilities and equipment are suitable for the service, having regard to the statement of purpose for the service.

**Premises**

**37.—**(1) The service provider must ensure that the physical design, layout and location of the premises used for the provision of the service is suitable to—

- (a) achieve the aims and objectives set out in the statement of purpose;
- (b) meet the care and support needs of the individuals;
- (c) support individuals to achieve their personal outcomes.

(2) In particular, the service provider must ensure that the premises used for the provision of the service meet the requirements of paragraphs (3) to (5).

(3) Premises must be—

- (a) accessible, adequately lit, heated and ventilated;
- (b) secure from unauthorised access;
- (c) suitably furnished and equipped;
- (d) of sound construction and kept in good structural repair externally and internally;
- (e) fitted and adapted as necessary, in order to meet the needs of individuals;
- (f) organised so that equipment used for the provision of the service is appropriately located;
- (g) free from hazards to the health and safety of individuals and any other persons who may be at risk, so far as is reasonably practicable;
- (h) properly maintained;
- (i) kept clean to a standard which is appropriate for the purpose for which they are being used.

(4) Premises must have bedrooms which—

- (a) include appropriate facilities to meet the care and support needs of the individual (if the room is single occupancy) or individuals (if the room is shared) occupying the bedroom;
- (b) are of an adequate size, having regard to—
  - (i) whether the room is shared or single occupancy;
  - (ii) the layout and furniture;

- (iii) the equipment required to meet the needs of the individual (if the room is single occupancy) or individuals (if the room is shared);
  - (iv) the number of staff required to meet the needs of the individual (if the room is single occupancy) or individuals (if the room is shared);
  - (c) are comfortable for the individual (if the room is single occupancy) or individuals (if the room is shared);
  - (d) allow the individual (if the room is single occupancy) or individuals (if the room is shared) both freedom of movement and privacy.
- (5) Premises must have sitting, recreational and dining space which is provided separately from the individual's own private rooms and any such space must be—
- (a) suitable and sufficient, having regard to the statement of purpose;
  - (b) located so as to enable all persons using the space to access any such space easily and safely.
- (6) Any communal space used for the provision of the service must be suitable for the provision of social, cultural and religious activities appropriate to the circumstances of the individuals.
- (7) Suitable facilities must be provided for individuals to meet visitors in private in a space which is separate from the individual's own private rooms.
- (8) Premises must have toilets, bathrooms and showers which are—
- (a) of sufficient number and of a suitable type to meet the needs of the individuals;
  - (b) appropriately equipped;
  - (c) located so as to enable all persons to access them easily and safely.
- (9) Premises must have external grounds which are accessible, suitable for, and safe for use by, individuals and appropriately maintained.
- (10) Premises must have suitable facilities for staff which must include—
- (a) suitable storage facilities, and
  - (b) where appropriate, suitable sleeping accommodation and changing facilities.

### **Single occupancy and shared rooms**

**38.**—(1) Subject to paragraphs (3) to (5), the service provider must ensure that all individuals are accommodated in single rooms but this requirement does not apply if the conditions in paragraph (2) are met.

- (2) The conditions are—
- (a) an individual is sharing a room with no more than one other individual;
  - (b) the other individual is not of the opposite sex or of a significantly different age;
  - (c) sharing a room will promote the individuals' well-being, is provided for in the individuals' personal plans and is agreed with the individuals and the individuals' parents or carers. But the service provider is not required to involve an individual's parent or carer if—
    - (i) the individual is an adult or a child aged 16 or over and the individual does not wish the parent or carer to be involved, or
    - (ii) involving the parent or carer would not be consistent with the individual's well-being.

(3) Paragraph (4) applies to a service provider of a service which was being provided immediately prior to the date of the coming into force of the Regulated Services (Special School Residential Services) (Wales) Regulations 2023 and has been provided continuously since that date.

(4) A service provider to whom paragraph (3) applies must ensure that all individuals are accommodated in single rooms but this requirement does not apply if the conditions in paragraph (5) are met.

(5) The conditions are—

- (a) an individual is sharing a room with no more than three other individuals;
- (b) the individuals are of the same sex and not of significantly different ages;
- (c) sharing a room will promote the individuals' well-being, is provided for in the individuals' personal plans and is agreed with the individuals and their parents or carers. But the service provider is not required to involve an individual's parent or carer if—
  - (i) the individual is an adult or a child aged 16 or over and the individual does not wish the parent or carer to be involved, or
  - (ii) involving the parent or carer would not be consistent with the individual's well-being.

#### **Premises – further requirements**

**39.** The service provider must ensure that the premises used for the operation of the service have adequate facilities for—

- (a) the supervision of staff;
- (b) the secure storage of records.

#### **Facilities and equipment**

**40.** The service provider must ensure that the facilities and equipment used for the provision of the service are—

- (a) suitable and safe for the purpose for which they are intended to be used;
- (b) used in a safe way;
- (c) properly maintained;
- (d) kept clean to a standard which is appropriate for the purpose for which they are being used;
- (e) stored appropriately.